

## **REMARKS / ARGUMENTS**

### **Introduction**

The present Amendment is in response to the Examiner's Office Action mailed September 22, 2006. Claims 1, 5, 10 and 11 are amended and claims 3-4 are cancelled. Claims 1-2 and 5-17 remain pending in view of the above amendments.

Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references. Reconsideration of the application is respectfully requested in view of the above amendments to the claims and the following remarks. For the Examiner's convenience and reference, Applicant's remarks are presented in the order in which the corresponding issues were raised in the Office Action.

### **Rejection Under 35 U.S.C. §102**

The Office Action rejected claims 1-17 under 35 U.S.C. § 102(e)<sup>1</sup> as being anticipated by U.S. Patent No. 7,061,208 (*Nishihata*). In order to anticipate a claim under 35 U.S.C. § 102, the cited art must teach each and every element of the claim as arranged in the claim. As illustrated below, *Nishihata* fails to satisfy the requirements of anticipation.

*Nishihata* does not disclose a heating/cooling device coupled to the supply device, wherein the heating/cooling device includes a heating device that heats the heat medium, a heat exchanger that cools the heat medium, and a protection net that collects and discharges drops of dew generated in the heating/cooling device, as recited in claim 1.

In contrast, the heating/cooling device taught by *Nishihata* includes the transducer 3 having a first face 1 facing the communicating passage for the thermal medium 42 and a second face 2 facing the communicating passage for the thermal-action accelerating medium 4 to warm up and cool down the thermal medium 42 and

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<sup>1</sup> Because *Nishihata* is only citable under 35 U.S.C. § 102(e) Applicants do not admit that *Nishihata* is in fact prior art to the claimed invention but reserve the right to swear behind *Nishihata* if necessary to remove it as a reference.

the thermal-action accelerating medium 4 using the first and second faces 1 and 2. See e.g., col. 3, lls. 31-62; and col. 7, lls. 28-49. The structure taught by *Nishihata* therefore achieves heat dissipation and heat absorption using its first face 1 and second face 2. See col. 3, lls. 9-10.

A transducer 3 with a first face 1 facing the communicating passage for the thermal medium 42 and a second face 2 facing the communicating passage for the thermal-action accelerating medium 4 fails to teach or suggest "a heating/cooling device coupled to the supply device, wherein the heating/cooling device includes a heating device that heats the heat medium, a heat exchanger that cools the heat medium, and a protection net that collects and discharges drops of dew generated in the heating/cooling device" as recited in claim 1. Accordingly, claim 1 is not taught or suggested by *Nishihata*.

For at least these reasons, *Nishihata* fails to teach or suggest the all of the elements of claim 1. Applicant respectfully submit that claim 1 is therefore in condition for allowance. For at least the same reasons, the cited art fails to teach or suggest the requirements of claims 2 and 5 -17, which depend from claim 1.

### **Conclusion**

In view of the foregoing, Applicants believe the claims as amended are in allowable form. In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, or which may be overcome by an Examiner's Amendment, the Examiner is requested to contact the undersigned attorney.

Dated this 21<sup>st</sup> day of December 2006.

Respectfully submitted,

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